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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/661,188

09/13/2000

Hannes Eberle

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02/26/2003

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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/661,188

Applicant(s)

EBERLE ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/27/2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 27 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7,8,10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The corrected or substitute drawings were received on 1/27/03. These drawings are accepted.

### *Response to Amendment*

2. Examiner's final rejection paper #11, sent 1/30/03, has been vacated as applicant's Supplemental Amendment C, paper #12, filed 1/27/03, was not taken into consideration due to delays in the mailing system. The following action is the response for applicant's amendments filed on 10/07/02 & 11/18/02.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-16 rejected under 35 U.S.C. 102(e) as being anticipated by Burg et al., Patent #6,456,699.**

Regarding claims 1 and 9, Burg teaches a system and method for generating an active voice page that provides interactive and real-time voice services to at least one user, the active voice page comprising at least one markup language document(79

Fig.5 and col.1 line 63-col.2 line12), the system and method comprising:

a subscription interface that enables the at least one user to subscribe to at least one service that can output personalized content (84 Fig.5 and col.9 lines 24-61);

an input module that receives data reports and a structure for a voice service (101,102 Fig.6);

a markup language converting module that converts the data reports and the structure into a markup language (82 *fig.5*, 103 *fig.6*, and col.4 lines 37-46); and

a blending module for blending the converted data reports and the converted structure into the active voice page, wherein the personalized content is conveyed to the at least one user and the at least one user may respond to the at least one service(col.9 lines 24-61).

Regarding claims 2 and 10, Burg teaches the system and method of claims 1 and 9, wherein the markup language is extensible markup language (col.4 lines 26-46; the markup language can be easily extended and can be changed to a variety of formats).

Regarding claims 3 and 11, Burg teaches the system and method of claims 1 and 9, wherein the markup language is TML (*col.4 lines 26-46; HTML is a version of TML used for web pages*).

Regarding claims 4 and 12, Burg teaches the system and method of claims 1 and 9, wherein the data reports are online analytical processing system reports (col.7 lines 13-30 and col.9 lines 24-37; the data reports are analyzed and processed online).

Regarding claims 5 and 13, Burg teaches the system and method of claims 1 and 9, wherein the markup language converting module comprises a markup language generator that receives the structure and generates a markup language document from the structure (*col.5 line 58-col.6 line 6 and col.9 lines 24-37*).

Regarding claims 6 and 14, Burg teaches the system and method of claims 1 and 9, wherein the markup language converting module comprises a markup language transforming module that receives data reports from the input module and transforms the data reports into markup language documents (*col.4 lines 36-46*).

Regarding claims 7 and 15, Burg teaches the system and method of claims 6 and 14, wherein the markup language transforming module receives stylesheets from the input module and transforms the data reports into markup language documents using the stylesheets [*col.4 lines 36-46 and col.9 lines 24-61*; the stylesheets for each customer is obtained and transformed into a webpage(markup language)].

Regarding claims 8 and 16, Burg teaches the system and method of claims 1 and 9 further comprising: receiving one or more style properties that are unique to the at least one user and generating a call request for the at least one user from the active voice page and the style properties (*col.9 lines 46-61*).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 8:30-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP

February 9, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2000

